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June 17, 2022

Via ECF

The Honorable Roanne L. Mann  
United States Magistrate Judge for the  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Paschalidis v. The Airline Restaurant Corp., et al.,*  
*Docket No.: 20-cv-2804(LDH)(RLM)*

Dear Judge Mann:

As the Court knows, we represent Defendants The Airline Restaurant Corp., James Meskouris, and Peter Meskouris (all three, together as “Defendants”), in the above-referenced matter. On June 16, 2022, Defendants filed a letter regarding the upcoming settlement conference presently scheduled before Your Honor on July 5, 2022, at 2:00 p.m., to request the Court’s guidance with respect to same. *See* ECF No. 48. By Electronic Order issued later that same day, still on June 16th, the Court declined to act on Defendants’ request as, *inter alia*, it did not set forth Plaintiff’s position thereon. We write now to respectfully resubmit our earlier request, and address the issues that the Court raised in its Electronic Order, concerning the upcoming settlement conference.

As the Court may recall, in addition to the instant matter, Plaintiff - - a twenty-five percent shareholder and owner of The Airline Restaurant Corp. - - also commenced a derivative lawsuit against these same Defendants by filing a Verified Complaint in the Supreme Court of the State of New York, County of Queens, Index No. 709529/2020 (“State Lawsuit”). The parties have attorneys at their same respective law firms representing the same clients in each matter, although Defendants do not have overlapping attorneys of record in Plaintiff’s lawsuits. During the January 13, 2022 Initial Conference, after the parties addressed Plaintiff’s State Lawsuit, the Court stated in the event that the parties request a settlement conference, the parties should attempt to resolve both of Plaintiff’s lawsuits during same. Thus, we write to respectfully request the Court’s guidance on whether attorneys representing the parties in the State Lawsuit should be present at

the settlement conference in furtherance of discussing a potential global resolution of both of Plaintiff's lawsuits.

Additionally, we further write to advise that should the Court require the State Lawsuit attorneys to be present at the settlement conference, Defendants must respectfully request a new date for the conference as Defendants' attorney in the State Lawsuit is unavailable on July 5th and will not be able to participate in the conference. The Court first scheduled a settlement conference for May 2, 2022, which was adjourned to the present date of July 5th by the parties' joint request. Plaintiff has consented to an adjournment of the settlement conference if necessary.

Plaintiff's Position:

Plaintiff is amenable to having counsel addressing the State Court action appear at the settlement.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

**FRANKLIN, GRINGER & COHEN, P.C.**



Danielle E. Mietus, Esq.

To: All Counsel *via* ECF